



CRP(MD).No.35 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2025

CORAM

THE HONOURABLE MRS JUSTICE K. GOVINDARAJAN THILAKAVADI

C.R.P(MD)No.35 of 2025

P.Madhan

: Petitioner

Vs.

V.Marikala

: Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India to direct the learned District Munsif, Vilathikkulam, Thoothukudi District to number the plaint in O.S.S.R.No.797 of 2024 and take it on file and proceed in accordance with law.

For Petitioner

: Mr.L.Prabhu

ORDER

This Civil Revision Petition is preferred against the return order passed by the learned District Munsif, Vilathikkulam, Thoothukudi District in un-numbered plaint in O.S.S.R.No.797 of 2024 pending on his file.



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2. According to the revision petitioner, the marriage between the petitioner and the respondent was not a valid marriage and the marriage was not registered under the Special Marriage Act and hence, he was constrained to file a suit for declaration to declare the marriage as not a valid marriage and therefore, for the above relief the suit will lie and the petition cannot be filed under the Indian Divorce Act. However, the trial Court without considering the above legal aspect erroneously returned the plaint, which calls for interference by this Court.

3. Heard the learned counsel appearing for the petitioner and perused the materials available on record.

4. It is the specific case of the revision petitioner that the marriage between himself and the respondent took place on 18.02.2024. The petitioner is a Christian and the respondent / wife is a Hindu. Their marriage was not registered under the Special Marriage Act to invoke the provisions under the Indian Divorce Act. Therefore, he filed the above suit to declare the marriage took place between the petitioner and the respondent as not a valid marriage.



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5. This Court is of the view that while numbering the plaint, the learned Judge has to see whether cause of action has been made out or not and after numbering the plaint, if any defect is found out, the Court can always reject the plaint. Numbering the plaint is a ministerial act. No roving enquiry can be done at the time of numbering the plaint. Considering the facts and circumstances of the case, the learned trial Judge is directed to number the plaint and proceed with the same in accordance with law.

6. With the above direction, this Civil Revision Petition is disposed of. No costs.

09.01.2025

Index : Yes / No

Internet : Yes/ No

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Note: Registry is directed to return the original papers after substituting the xerox copy of the same.



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K. GOVINDARAJAN THILAKAVADI, J.,

trp

To

The District Munsif, Vilathikkulam,
Thoothukudi District

C.R.P(MD)No.35 of 2025

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